

REMARKS

The Office Action noted that previous claim 7 recited allowable subject matter. New independent claim 27 includes the elements and limitations of previous claims 1, 6 and 7. New claim 28 (dependent on claim 27) corresponds to claim 2. New claim 29 (dependent on claim 27) corresponds to claim 4. New claim 30 (dependent on claim 27) corresponds to claim 5. New claims 27-30 are believed to be in condition for allowance.

The Office Action also noted that previous claim 10 recited allowable subject matter. New independent claim 31 includes the elements and limitations of previous claims 8, 9 and 10. New claim 32 (dependent on claim 31) corresponds to claim 2. New claim 33 (dependent on claim 31) corresponds to claim 4. Claims 31-33 are believed to be in condition for allowance.

Claims 1 and 8 have been amended to recite that the outer wall of the head of the prosthesis includes a concave surface dimensioned to interface with another bone. This feature has a basis at lines 3-4 of previous claim 7 and paragraph [0057] of the specification.

35 U.S.C. 102

Claims 1-2, 5-6 and 8-9 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,887,277 to Rauscher *et al.* ("Rauscher"). Independent claims 1 and 8 now require that the outer wall of the head of the prosthesis include a concave surface dimensioned to interface with another bone. This provides a head that smoothly interfaces with another bone, e.g., the capitellum. See paragraphs [0019] and [0057] of the present specification. Looking at Rauscher, the head has a convex surface. Accordingly, it is submitted that amended independent claims 1 and 8 (and claims 2, 4-7 and 9-10 that depend thereon) recite a feature not shown or suggested in Rauscher that provides advantages over Rauscher.

Claims 1, 2, 4-6, 8 and 9 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,821,300 B2 to Masini ("Masini"). Independent claims 1 and 8 now require that the outer wall of the head of the prosthesis include a concave surface dimensioned to interface with another bone. This provides a head that smoothly interfaces with another bone, e.g., the capitellum. See paragraphs [0019] and [0057] of the present specification. Looking at Masini, the head 330 does not have a concave surface that interfaces with another bone. Accordingly, it is submitted that amended independent claims 1 and 8 (and claims 2, 4-7 and 9-10 that depend thereon) recite a feature not shown or suggested in Masini that provides advantages over Masini.

35 U.S.C. 103(a) Rejections

Claim 4 was rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,887,277 to Rauscher *et al.* As detailed above, amended independent claims 1 and 8 (and claims 2, 4-7 and 9-10 that depend thereon) recite a feature not shown or suggested in Rauscher. Therefore, this rejection of claim 4 is overcome.

Conclusion

It is believed that the entire application is in condition for allowance. Having paid for 26 claims and 6 independent claims at the time of filing, no fees are believed to be needed for entering this amendment. If any fees are needed, charge them to deposit account 17-0055.

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Respectfully submitted,
Scott P. Steinmann
By: Richard T. Roche
Richard T. Roche
Registration No. 38,599
Quarles and Brady LLP
411 East Wisconsin Ave.
Milwaukee, WI 53202
(414) 277-5805

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